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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/017,377 | 12/14/2001 | Amr F. Yassin | US 010502 | 8074 |
| 24737 | 7590 | 08/24/2006 | EXAMINER | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | VAN HANDEL, MICHAEL P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/017,377 | YASSIN ET AL. | |
| | Examiner | Art Unit | |
| | Michael Van Handel | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 6/09/2006. Claims **1-18** are pending.

Response to Arguments

1. Applicant's arguments with respect to claims **1**, **11**, and **18**, filed 6/09/2006, have been fully considered, but they are not persuasive.

Regarding claims **1**, **11**, and **18**, the applicant argues that Robinson is not the same as the subject matter of the claims. The examiner respectfully disagrees. Specifically, the applicant points out that claims **1**, **11**, and **18** are directed to auctioning time slots, and that the claims are directed at video broadcasting or radio broadcasting. Robinson discloses an ad-targeting environment that receives and executes algorithms (“agents”) from advertisers (p. 1, paragraph 9). Multiple agents run in an agent environment in the user’s machine. Each agent has access to relevant data, knowledge of one or more ads, and responsibility for causing such ads to be displayed. An arbitration module processes the output of the agents to choose which single ad to display at a particular time (p. 1, paragraphs 11, 12, 14). The examiner interprets this particular time to be a time slot at which the single ad is chosen for display. Since the arbitration module collects bids from multiple agents and chooses the most “attractive” one in order to decide which ad to show at a given time, the examiner maintains that Robinson meets the limitation “auctioning the time slot to the one or more commercials provided to the receiver” as currently claimed. Regarding the applicant’s argument that Robinson fails to auction time slots in a video

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broadcasting or radio broadcasting environment, the examiner notes that the applicant fails to recite such a limitation in any of claims 1, 11, or 18 as currently written. Furthermore, Robinson discloses displaying a full-screen ad during a slot on an interactive television, where the agent environment resides on a “set-top box” (p. 3, paragraph 42 & p. 9, paragraph 144). Therefore, the examiner maintains that Robinson meets the limitations of claims 1, 11, and 18 as currently claimed.

Further regarding claim 18, the applicant argues that the references fail to show certain features of applicant’s invention; however, it is noted that the features upon which applicant relies (i.e., the viewing of television and the relationship of viewing television with behavioral information) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-15, 17, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson.

Referring to claims 1, 11, and 18, Robinson discloses a system/method of presenting a commercial in a time slot to a viewer, the system/method comprising:

- at least one source of one or more commercials providing one or more commercials to a receiver operatively coupled with a display device (p. 8, paragraph 124), each commercial having an agent associated therewith (p. 1, paragraph 9), the agent for each commercial configured to place a bid for the time slot on behalf of the associated commercial (p. 1, paragraph 16);
- a profile database to store data related to local viewer preferences, including demographic information and viewing habit information, and allowing the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related data to determine the bid to be placed for the time slot (p. 1, paragraphs 5, 6, 10)(p. 6, paragraphs 89-91, 94); and
- a processor capable of:
 - o auctioning the time slot to the one or more commercials provided to the receiver (p. 1, paragraph 11)(p. 3, paragraph 42);
 - o selecting the commercial having the agent which placed a winning bid and displaying the commercial having the agent which placed the winning bid during the time slot (p. 3, paragraph 43); and
 - o storing information related to the commercial having the agent, which placed the winning bid in a vault (p. 2, paragraph 30)(p. 6, paragraph 92).

Referring to claims **2** and **12**, Robinson discloses the method/system of claims **1** and **11**, respectively, further comprising the step of storing information related to the commercial having the agent, which placed the winning bid, in a vault (p. 2, paragraph 30)(p. 6, paragraph 92).

Referring to claims **3** and **13**, Robinson discloses the method/system of claims **2** and **12**, respectively, further comprising the step of allowing the agent for at least one commercial to access the information in the vault, the agent using the accessed information to determine the bid to be placed for the time slot (the examiner notes that in determining an appropriate bid, the agent has access to bidding results)(p. 6, paragraphs 86, 92).

Referring to claims **4-6** and **14**, Robinson discloses the method/system of claims **1** and **11**, further comprising the step of:

- maintaining a profile database to store data related to local viewer preferences, including demographic information and viewing habit information, and allowing the agent for at least one commercial to access the local viewer preference related data in the profile database, the agent using the accessed local viewer preference related data to determine the bid to be placed for the time slot (p. 1, paragraphs 5, 6, 10)(p. 6, paragraphs 89-91, 94).

Referring to claim **7**, Robinson discloses the method of claim **1**, wherein the bid placed by the agent of at least one commercial is a fixed amount (p. 10, paragraph 157).

Referring to claim **8**, Robinson discloses the method of claim **1**, wherein the winning bid awarded by the awarding step is the bid having the highest monetary value (p. 1, paragraph 15).

Referring to claims **10** and **15**, Robinson discloses the method/system of claims **1** and **11**, respectively, wherein the commercial delivery step includes loading at least one commercial and

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the agent associated therewith onto the television receiver prior to the time slot (p. 3, paragraph 46)(p. 8, paragraph 124).

Referring to claim 17, Robinson discloses the system of claim 11, wherein the receiver is configured to receive the commercial and agent associated therewith separately (Fig. 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

Referring to claim 9, Robinson discloses the method of claim 1. Robinson further discloses the use of the Vickrey auction, as well as other auction models (p. 5-6, paragraphs 83-84). Robinson does not disclose a method, wherein the winning bid awarded by the awarding step is determined by setting a desired monetary value, and then reducing the desired monetary value until the agent of at least one commercial places a bid at least equal to the desired monetary value. The examiner takes Official Notice that it is well known within the prior art to auction off resources through the use of a Dutch auction, wherein the initial asking price is set high and reduced until one of the auction participants is willing to accept the asking price. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Robinson to auction off resources through the use of a Dutch auction, such as that taught by the prior art in order to auction resources quickly.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Zigmond et al.

Referring to claim 16, Robinson discloses the system of claim 11, wherein the receiver is configured to receive the commercial and the agent associated therewith. Robinson does not specifically disclose whether the commercial and the agent are received simultaneously. Zigmond et al. discloses an ad insertion device 80, which receives ad selection rules and advertisements. Zigmond et al. further discloses that the ad selection rules may be delivered to the ad selection device at the same time as the advertising feed (col. 11, l. 66-67 & col. 12, l. 1-32). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Robinson to deliver ad selection rules at the same time as an advertising feed, such as that taught by Zigmond et al. in order to easily correlate data with its associated parameters.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant


Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Michael Van Handel
Examiner

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MVH


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